

JUN 09 2010

Petition to Revive with Payment of Issue Fee
Atty. Dkt. No. YOR920030522US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zhen Liu, et al.

Serial No.: 10/726,002

Filed: December 1, 2003

For: METHOD AND APPARATUS FOR
VIRTUALIZING NETWORK
RESOURCES§
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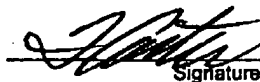
Group Art Unit: 2441

Confirmation No.: 5240

Examiner: Gillis, Brian J.

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. §1.8 on June 9, 2010 and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No. (571) 273-8300.June 9, 2010
Date
Signature

Dear Sir:

PETITION TO REVIVE PURSUANT TO 37 C.F.R. §1.137(b)
AND PAYMENT OF ISSUE FEE

Applicants respectfully petition for revival of the unintentionally abandoned U.S. Patent Application Serial No. 10/726,002 under C.F.R. §1.137(b). The above-identified application became abandoned for failure to timely pay the Issue Fee according to the deadline set forth on the Notice of Allowance dated September 21, 2009, which set a three (3) month non-extendable statutory period for payment expiring on December 21, 2009.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional. This petition is filed within one (1) year of the date of abandonment of the application. A Terminal Disclaimer is not required, as this application was filed on or after June 8, 1995. Enclosed are the Issue Fee Transmittal and the Petition for Revival form authorizing payment from Deposit Account No. 50-0510 for a total of \$3430.00 including \$1620.00 Unintentional Abandonment Petition Fee, \$1510.00 Utility Patent Issue Fee

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Petition to Revive with Payment of Issue Fee
Atty. Dkt. No. YOR920030522US1

and \$300.00 Publication Fee. The Commissioner is authorized to charge Deposit Account No. 50-0510 for any other fees required to make this petition timely and acceptable to the Office.

Respectfully Submitted,

Dated: June 9, 2010



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JUN 09 2010

007/010

PTO/SB/64 (07-08)

Approved for use through 09/30/2008. OMB 0851-0001
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
YOR920030522US1

First named inventor: Zhen Liu

Application No.: 10/728,002

Art Unit: 2441

Filed: December 1, 2003

Examiner: Glits, Brian J.

Title: METHOD AND APPARATUS FOR VIRTUALIZING NETWORK RESOURCES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee of \$ 1510.00 and publication fee of \$ 300.00

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64 (07-08)

Approved for use 09/30/2008. OMB 0551-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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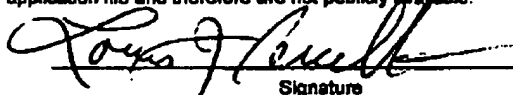
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

Louis J. Perello

Typed or printed name

IBM Corporation, Intellectual Property Law,
 T.J. Watson Research Center

Address

1101 Kitchawan Road, Yorktown Heights, NY 10598

Address

3/19/10
 Date

33,208

Registration Number, if applicable

(814) 785-4585

Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ File electronically with the United States Patent and Trademark Office on the date shown below via EFS Web.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.6-9-2010

Date


 Signature

Typed or printed name of person signing certificate

[Page 2 of 2]

Petition to Revoke - Unintentional SB-64.DOC